CRIMES OF CARELESSNESS, THEIR PREVENTION, AND TREATMENT OF OFFENDERS

(HUNGARIAN NATIONAL REPORT FOR XIIth INTERNATIONAL CONGRESS OF PENAL LAW)

by

IMRE BÉKÉS, assistant professor

IMRE A. WIENER, senior scientific officer

I. PROBLEMS OF CRIMINALISATION AND DECRIMINALISATION OF CARELESS ACTS CAUSING INJURY

1. Criteria of criminal responsibility for crimes committed out of carelessness in conditions of scientific and technical revolution

a) *scientific and technical revolution and criminal responsibility for careless acts*

The human being is not merely a biological creature, a part of the nature, but prime mover and participant of the technical civilisation as well. According to this aspect the expectations of the society toward the individual human being – with the intermediation of the legal term "expectable behaviour" – cannot be separated from the given technical civilisation and the function of the human being in this civilisation. The technique of the 19th century had served the human race less perfectly, but in the same time it endangered it less, too, the conditions of the frequent occurrence of the massive careless acts causing injury did not exist. Partly due to this fact, the criminal codes of the 19th century incorporated only a small fraction of the careless infractions and even with in this small fraction the actual delicts appeared statistically insignificant way.

The lack of the social importance of the "culpa" resulted that the principles and institutions of the penal law, first of all the doctrine of the criminal act developed along the lines of the model of the voluntary criminal acts. The willingness, consciousness and motive in the "dolus" had dominated the doctrine of the culpability, the voluntary crime filled the whole material of the penal law. The literature had seeked such psychological criteria in the carelessness, which are typical characteristics of the voluntary crimes. Finally, the search for the causes of the voluntary crimes laid down the foundations of the criminology.

Comparing it to the voluntary crime the careless infraction shows a certain "minus", for example the lack of the accessories, the attempt.

The scientific and technical revolution changed the proportion of the voluntary and careless crimes, the absolute occurrence frequency of the latter ones and first of all, it changed their social inportance. (It is undoubtedly true, that a grave traffic accident causes more deaths, than a murder.) This change involved the development of the research on the careless infractions, the eventual revision of the doctrines of the culpability and even of the criminal act.

b) *perspectives of criminalisation of careless acts*

The scientific and technical revolution gave birth to several new categories of the careless criminal acts: the careless endangering acts, the different forms of the professional negligence and factory accidents, respectively the different forms of responsibility for such cases. The Hungarian Criminal Code (of 1961) took stand for the exceptional punishment for the careless infraction. Nowadays about 40 criminal offenses have careless version. This sphere is not going to be enlarged in Hungary.

2. Problems of decriminalisation of acts committed out of carelessness. Specific character of so-called "dead norms" providing for responsibility for careless crimes

The decriminalisation of the careless infractions de lege ferenda is justified, when in some juridical system the de lege lata regulation is bad or too strict. In Hungary the decriminalisation is not planned.

3. Differentation of types of responsibility depending on the nature and degree of social danger of the crime committed and injury caused

a) *degree of social danger of the offense committed as the main criterium for differentiating types of responsibility: criminal, administrative, disciplinary*

A human act acquires some juridical importance through its social aspects, the created effect in the society consequently gets juridical importance. In principle every kind of such human behaviour, which has unfavourable effect on the society or able to cause such effect, is dangerous for the society. Considering the relation between the behaviour and society danger is objective (ontological) category. However, in those penal law systems in which the analogy is not recognized, this objective feature of the social danger requires determination by the penal law through unlawful behaviour as notion. Thus from those acts, which are theoretically dangerous for the society in a given historical period the codifier makes a certain distinction selecting some behaviour forms, which supposed to forbide with the means of the penal law, too. With this selection the onto-

logical and the penal law-recognized social danger are separated from each other.

After the separation the social danger recognized by the penal law will become the explanation of declaring a criminal act, i.e. it will become a basic principle of codification. On the other hand, the actual social danger of some concrete act is a principal aspect of punishment, respectively its reduced existence is de lege lata a condition of not enforcing the penalty and the application of the admonishment (Crim. Code 60. §).

When we talk about the "degree" of the social danger, we mean first of all the actual social danger considered by the jurisprudence. This is composed by the elements of the corpus delicti (statutory fact of crime, Tatbestand) and other circumstances to be considered. Among the elements of the corpus delicti there are athose ones, which mark the objective weight of the act, i.e. criteria of the unlawfulness. Such elements are the result and eventually the place, time, method and tool of the criminal act. The result – e.g. the caused damage – leads us to the question "b)" Undoubtedly – in spite of the uniform legal characteristics – the degree of social danger is different at such grave corporal injury, which heals within lo days on one hand, and which heals within 60 days, on the other, as far as the result is concerned. Beyond the elements of the corpus delicti there are other circumstances, which differentiate the grade of the social danger, e.g. the country-wide or local occurence of similar crimes as well as the public indignation.

The Hungarian Criminal Code makes dispositions about the considerations of the grade of social danger partly in the field of imposing the punishment (64. §), partly in the field of the so-called admonishment (60. §). The 60. § says: "Whose act or person either at the time of perpetration or – owing to changed circumstances – at the time of judgement of so little danger to society that the lightest punishment which can be imposed under this. Act also appears superfluous, shall be admonished without punishment."

Regarding the codification aspects the Hungarian criminal sciences do not consider the careless delicts objective less dangerous, than the voluntary infractions. It is self-evident that i.e. the fact of causing death represents the same objective danger to the society regardless of the form of the guilt. The difference of the penal law judgement is not justified by the difference of the degree of the social danger, but rather by the qualitative difference between the "dolus" and "imprudence", respectively it is explained by the difference between personal faults reflected by the different culpability forms (e.g. considering the difference between the murder and the homicide due to carelessness).

b) *taking into account the injury caused while differentiating the types of responsibility mentioned*

Among the statutory fact of the careless crimes in the Hungarian penal law there is typically the result. The result is either biological type: death, corporal, injuries, illness, or economic type: damage. The two cate-

gories of the result can be not only "injury" but "danger" as well. Such categories are the traffic offences (Crim. Code 194/B §) and the careless endangerment in the exercise of someone's profession (Crim. Code 258. § e.g. medical faults). In both cases the "direct" danger to the life, corporal integrity or health is the careless criminal act.

In the sphere of the traffic crimes in relation with the result the jurisprudence actually takes into consideration whether the careless driver himself or his relative injured. The careless causing of material loss is not criminal act in case it was inflicted on a private person, but it is a criminal act in case it was inflicted on the social (state) property, but only above 50.000 Ft. The 36. article of the 10. Law Decree of 1962 declared that in case this damage was caused by an employee on the job against his employing enterprise, the act can be judged through disciplinary measures omitting the penal procedure.

II. BASES FOR THE IMPOSITION OF CRIMINAL RESPONSIBILITY FOR CARELESS CRIMES

1. Problem of responsibility for careless crimes in the light of criminal law theories

a) *bases of criminal responsibility for careless crimes. Specificity of corpus delicti in crimes commited out of carelessness*

The two forms of carelessness (luxuria and negligentia) cannot be characterised uniformly. In the earlier there are psychological features similar to the intention, the latter does not have any explainable psychological content. (The person, who acts without guilty mind do not foresee the damage, alike the negligent, thus the substance of the negligentia is not the lack of the foresight, but the reasonable expectation demanded by the legal criterion.)

According to our view there are two elements of the criminal acts committed out of negligentia: the breach of the objective obligation of carefulness (as the notion of the unlawful attitude) and the purely subjective element: a certain unfulfillment compering it to someone's own capabilities [See II. 2. b) for details].

b) *principle of imposition of criminal responsibility only when there is mens rea as the subjective (mental) element of crime as fundamental principle of criminal law*

The characterisation of both forms of carelessness is subjective (2. a): he foresees the possibility of the result, but recklessly hopes that it will not occur (luxuria), respectively he neglects the care or attention, which "reasonable expected" from him (the negligentia).

2. Definition of carelessness in national legislations

a) *forms of carelessness. Criminal recklessness. Criminal negligence*

The 17. § of Criminal Code:

"A crime is due to negligence if the perpetrator foresees the consequences of his conduct but is recklessly confident that they will not ensue or if he fails to foresee such consequence because of lack of reasonably expectable care or circumspection."

b) *necessity to combine the subjective (mental element of crime) and objective criteria to qualify an act as crime*

The criteria of the unlawful negligence is the violation of the "expectable care", which is objective obligation, which is such type of obligation that oblige those people, who are the closest professionally to the perpetrator and its fulfillment serves directly the avoidace of those consequences, which are characterized by the corpus delicti. The obligation is objective, because in that given sphere, in which the person acts as a "practiser of a certain profession" (physician, engineer, car driver, etc.) in the age of the scientific and technical revolution he can be replaced by someone else. The expectations of the society ("the reasonable expectation") are aligned with the tasks and the role instead of the person. The obligation has decisive factors and these are specific norms (e.g. traffic regulations, medical lege artis). The specific norms – whether they are written or not – are abstractions of the facts and experience, directly aim the avoidance of the accidents and damages. In such sphere in which norm does not exist and the individual acts as a practiser of a certain profession, a "model", which contains the experiences and the foresight of that profession, gives shape to the obligation of the objective precuation. In case the acting person fulfills this obligation the imprudent infraction does not take place, even if his action objectively lead to death or damage, etc., because his action was not unlawful.

On the other hand, if he violated this abovementioned obligation and caused a certain result, his action was unlawful. In such case, in the second phase of the examination – on the subjective side – it should be examined why he did not fulfill his obligation, why did he neglected those capacities which characterise the members of his professional group and obligatory for him, too. (The illness or disease can be exculpatory circumstance only if its occurrence could not be foreseen.)

The negligence in the private life – contrary to the professional negligence – has objective measures only in a very restrained circle, here rather the individual capacities and experiences of the person are the determining factors.

3. Causal connection as an element of the corpus delicti of careless crime consisting in the failure to act

a) *causal connection and specificities of proof reguired with respect to it in national legislations*

In the statutory fact of carelessness crime there are either only the result (careless homicide) or the result and the causing behaviour is declared by law (causing fatal traffic accident on a public road by infringement of the traffic regulation). The law does not regulate the proving of the causality.

b) *character of causal connection in failure to act*

To the causality of the omission it is necessary some kind of obligation to prevent the result, the statement of some "obligation of guarantee". The result occurs through natural causality, however, this result could have been prevented by the person, who was obliged to intervene and prevent it. At the most careless crime the result is only appears as an omission, actually it is caused by an action. (E.g. the cause of the death is not the omission of the obligation to stop at the red traffic light, but the running over.)

4. Problem of "mixed" quilt in careless crimes

a) *guilt as an element of the subjective (mental) side of the corpus delicti and as a prerequisite of criminal responsibility*

The guilt is a common notion of the "dolus" and "culpa", which are connected with the objective elements of the corpus delicti in the penal law. The different dogmatical systems add several other criteria to this one. As far we are concerned the guilt has one more contributing factor namely the possibility of the consciousness of the social danger and at least limited mental capacity.

The notion of the criminal responsability in the procedure meaning has even larger sphere, because beyond the guilt it includes all the elements of the corpus delicti and the lack of the obstacles. Those debates, which happened about the Russian Soviet Socialist Republic Criminal Code 3. §, did not provoke any echo in our literature and therefore we make only distinction between guilt and criminal responsibility.

b) *specificity of corpus delicti with double form of guilt*

Mixed guilt appears in case of a special "infraction par dol", in which the result is the qualifying circumstance and the intention of the perpetrator extend only the basic corpus delicti, however, the qualifying result occurred by his imprudence. In this sphere (e.g. intentional corporal injury causing death) it is logically excluded that the intention extends to the qualifying circumstance, because that would mean murder, therefore the mixed guilt infraction is "praeterintentional" crime.

c) *attitudes towards the results of crimes with mixed guilt*

18. § of the Hungarian Criminal Code:

"The heavier consequences provided by the law for the result – as circumstances qualifying the crime – may be applied if wilfulness or negligence lies upon the perpetrator in respect of the result."

Other forms of the mixed guilt do not exist in our penal law system.

The mixed guilt crimes are primarily wilful ones according to their legal role: the recidivism, the prison regime, the probation and rehabilitation considered. However, from a certain aspect they are similar to the careless delicts: there is no premeditation, no attempt, no instigation.

5. Specificities of criminal results and causal connection in careless crimes committed by several offenders

a) *attitudes of offenders to the results of careless crime when committed by several persons*

According to our penal law only intentional crime can have co-principal, because the base of the co-principality is the unity of the intentions. Therefore all those person, who cause the result together carelessly, are responsible separately as independent perpetrators

b) *issue of complicity in careless crimes*

At the careless delicts the complicity is excluded because it is based on intention. (For intentional crime the instigator intentionally instigates, respectively the accomplice helps intentionally to commit an intentional crime.)

c) *responsibility of every accomplice participating in the commission of a careless crime*

Every independent perpetrator of a careless crime (see a) is responsible only for those results, which were caused by him and only in case his carelessness included this. Thus the responsibility is of individual nature.

III. PUNISHMENT FOR CRIMES COMMITTED OUT OF CARELESSNESS (PROBLEMS OF IMPOSITION AND IMPLEMENTATION)

1. Types of punishment and particularities of their application

a) *kinds of punishment connected with deprivation of liberty and particularities of their application for careless crimes*

The Criminal Code provides four grades of the implementation of the deprivation of liberty punishments (maximum security prison, restricted prison, prison and minimum security prison). The grade of the punishment category generally depends on the type of the committed crime, the offen-

der's past record (i.e. whether he was a recidivist) and the extent of the imposed punishment. From the general rule there is an exception at the implementation of the deprivation of liberty punishments for careless crimes, which can be implemented exclusively in the mildest grade, in the minimum security prison.

There is a difference between those deprivation of liberty punishments, which are imposed for wilful crimes and those, which are imposed for careless crimes: the convict may be placed on probation after having served three-fourth of his term (at wilful crimes) or having served two-third of his term (careless crimes). Exclusively for those punishments, which were imposed for careless crimes, applies the rule that after finishing his term the convict immediately will be relieved of the consequences of having a criminal record. This measure assures that the criminal record does not prevent him to accomodate himself to the society.

The court imposes deprivation of liberty only against such offenders, who committed careless crime, which is highly dangerous to the society. Otherwise for careless crimes the kinds of punishment not connected with deprivation of liberty are generally imposed.

b) *kinds of punishment not connected with deprivation of liberty and serving as alternatives for deprivation of liberty, particularities of their application*

Kinds of punishments without deprivation of liberty are the following: fines, correctional-educational work and suspended deprivation of liberty. Although the latter one is not independent punishment form according to the law, but is substantially different from the deprivation of liberty to be implemented, on one hand it is going to be implemented only in very rare cases, namely when the perpetrator is sentenced for some other crime, which was committed during the probation time. (Only about 1% of those persons, who are sentenced to suspended deprivation of liberty for careless crime, commit another crime during the probation time.) On the other hand there is special rehabilitation rule for the suspended deprivation of liberty. The suspended deprivation of liberty does not involve any such effect, which would hinder the convict to accomodate himself to the society.

There are no different regulations of the fine and the correctional-educational work about the careless crimes. In certain cases the Criminal Code prescribes the fine or the correctional-educational work as alternative punishments beside the deprivation of liberty. According to the general mitigation regulation of the criminal law 68. §. (2. d.-e.) the Court can impose these punishments in all of those cases, when minimum limit of the punishment is not over the one year deprivation of liberty. The minimum limit of the punishment for careless crime is over the one year imprisonment only in cases of the gravest injury according to the law (death, mass accident).

The fine and the correctional-educational work does not hinder the convict accomodating himself in the society, because these sentences are not connected with the disadvantageous consequences of the sentence.

c) *supplementary kinds of punishment and particularities of their application for careless crimes*

Supplementary fines, debarring from exercising a certain profession (incl. debarring someone to drive a car) can be used against such persons, who committed a careless crime. In case the court is convinced that the offender can be more effectively deterred from committing another crime, it imposes a supplementary fine beside the suspended deprivation of liberty. Debarring from exercising a certain profession for 1—10 years can be applied by the court, when a person having committed a crime by infringing the rules of a profession requiring a qualification or by inexperience in such profession. The court may order that the person prohibited from exercising a profession requiring a qualification should only be permitted to start that profession after having probed, after the expiration of the prohibition, to have acquired the necessary experience required for his profession (usually by a new examination). The prohibition of driving a car can extend from 6 months to 10 years, otherwise the same regulations should be applied as to the debarring from exercising a certain profession. Such person also can be prohibited, who practised the profession illegally, because in such case he cannot acquire licence for legal professional practice while under the effect of the prohibition.

2. Problems of differentiation and individualisation of punishment for careless crimes

a) *differentiation and individualisation of punishment taking into account the nature and degree of social danger of the crime committed*

The objective social danger of the careless crimes is influenced basically by two factors. One of them is the result. During the differentiation and individualisation of the punishment the result cannot be ignored, because the law prescribes more severe punishment to a more serious result. This principle prevails considering the crimes against life, corporal integrity and health as well as crimes against property and economic order, furthermore crimes against professional rules and traffic regulations. The other objective factor considered by the court is the character of the violated professional or carefulness regulation and the way of the violation. The violation of a *basic* carefulness (e.g. one should not let a minor child to get access to a fire or poison), traffic regulation (it is forbidden to make a turn on the super-highway) or regulation of alertness (it is not allowed tto sleep while on guard somewhere) undoubtedly increases the social danger of the crime. Just as well the social danger grows with the rudeness of the violation of the regulation, i.e. someone ignored more than one regulation or pushed them aside altogether.

b) *imposition of punishment taking into account the forms of mens rea and the stage reached in the commission of the crime*

The Supreme Court of the Hungarian People' s Republic declared as a generally obliging guideline that the negligentia should be judged less severely than the luxuria. The grade of the carelessness is considered by the court and the negligible measure of the carelessness is taken for the favour of the accused person, while the grave irresponsibility is taken against the accused. Especially aggravating circumstance against the accused person when contrary to the actual warning he did not keep those regulations, which he was reminded, because he was confident in his skill and hoped to avoid the negative result.

The Hungarian courts do not acknowledge the attempt of the careless crimes. However, the law distinguishes between those crimes, which generally or concretely create danger and crimes, which create harmful consequences. Creating a dangerous situation is not attempt of that harmful result and should be punished only in case the law explicitly orders the punishment of creating danger.

c) *data on the personality of the offender who committed a careless crime as well as aggravating and mitigating circumstances as taken into consideration by the court.*

Those general aggravating and mitigating circumstances relating to the personality should be taken into consideration in judging the careless crimes. The lack of the former criminal record is mitigating fact, the former convictions are aggravating facts. In this framework it will be judged whether the offender did commit earlier such offence or disciplinary violation which somehow related with the obligations of carefulness. Judging the factory accidents the managing job supposed to be aggravating circumstance. The lack of the appropriate professional training could be mitigating circumstance in case the offender practises this activity legally, thus e.g. his superiors assigned him such work to which he did not possess enough skill. In case he practises illegally this activity or he does not know anything about the profession he practises, the lack of the professional training is not mitigating circumstance.

3. Problems of treatment of offenders committing careless crimes

a) *general principles of treatment of careless offenders*

The basic principle of treatment of offenders, which committed careless crimes that they are not considered "hardened criminals". Considerable part of these convicted persons are respected members, sometimes outstanding members of the society, who practises his profession exemplary way, has a good family life. In their crime the lack of attention, the recklessness or other psychological factor played a very important role. These aspects are considered in those regulations about the minimum security prison, which are dealing with the inner order and the connections with the society.

Therefore for instance the use of the leisure time is not restrained, to listen to a radio or watch television is not limited. In the territory of the prison the convict can go without warden and they can spend their income for their own purposes. Regarding the connection with the society it is typical feature that their correspondence is not controlled, in case of a visit they are not under direct control and they may get some day leave as advantage. The short leave is taken into account at the time of the deprivation of liberty and practice proves that the convicted persons return to the prison in due time.

b) *means and methods of reeducating individuals who committed careless crimes*

The general work obligation of those convict who are sentenced to deprivation of liberty, applies to the minimum security prison grade implementation as well. The convicts usually get such assignments that they may be able to work according to their qualifications. Considering that many of them committed the crime through driving, there are regular professional training for drivers, which includes both technical and special psychological lectures. In this grade there is no compulsory school education, because usually the half of the convicted persons have completed the secondary school and the primary (general) school education was completed in the free life. Therefore the education goes on in the framework of higher level lectures or there is a possibility to learn foreign languages.

c) *principles of penitentiary classification of persons convicted for careless crimes*

The principles of penitentiary classification in this category are not differentiated, because in each year only 100 – 200 persons spend their term (convicted for committing careless crimes) in one sole institution. For the prevalence of these principles see point e).

d) *specificity of implementation of kinds of punishment not involving deprivation of liberty with regard to the category of persons convicted*

Implementing of correctional-educational work not involving deprivation of liberty there is a possibility to differentiate among the categories of the convicted.

However, the convicted persons usually spend the term of the correctional-educational work at their original workplace, the re-education is done by the workplace collective. Thus it would be difficult to apply any centrally prescribed educational principle. The recent system of the correctional-educational work contains both the advantages and the disadvantages of the decentralized, socialized implementation of punishment.

e) *special penitentiary establishments for persons convicted for careless crimes*

The most important special institution of the implementation of punishment is the experimental creation of the self-governing body of the

convicted persons. In the same time the professional staff of the inner and outer guard in the minimum security prison was withdrawn from the activity. Only the local commanders and the educators are working. About one-sixth of the convicted persons have managing and organising function participating in the work of the selfgovernment, which does its work in different groups. There are on-duty persons, room sergeants, leaders of working brigades, cultural and sport organisators, furthermore persons, who are in charge in material, sanitation and catering matters. The self-governing body took over large part of the work, which was done previously by prison administration. Among the tasks of the self-government there are for example such duties, like accomodation of the new convicts, discharging these, who end their term, the change of clothing, the organisation of the visits, handling the stocks, control of those, who do their work outside, and the opening and closing. The office-bearers of the organisation are appointed by the prison administration after a popularity poll. The recent experiences prove that this kind of appointment suits the reguirements. The disciplinary situation also improved and certain disciplinary offences ceased to exist — e.g. stopping of work — or decreased to a minimum — e.g. scuffles, violations of the room regulations. During the one year of the activity of the self-governing body there was no escape or attempt to escape. The leaders of the collective give suggestions for the advantage of the temporary leave and there was no unjustified absence at the returns. The recent experiences prove that the self-governing body was equal to every expectations.

f) *making use of regimes of semi-freedom*

The recent law enforcement practice does not know the regimes of semi-freedom.

g) *rate of recidivism among persons serving punishment for careless crimes*

The Hungarian criminal law rules the recidivism only for wilful offenders, the repeated perpetration of the careless crimes does not count as recidivist. According to the data of the prison administration a certain part (10%) of those, who are convicted to deprivation of liberty for careless crime, had some earlier conviction record for committing careless crime.

h) *problems of elaborating legislation to regulate the order of treatment in respect of individuals convicted for careless crimes*

Among the codification proposals there is the introduction of the semi-freedom connectes with the reform of the recent regulations of the correctional-educational work. The substance of the proposal is that the convicted person would work at a civil workplace, but he would spend his leisure time in prison. The details of this proposal are not elaborated yet.

DIE FAHRLÄSSIGKEITSSTRAFTATEN, IHRE VORBEUGUNG UND DIE BEHANDLUNG IHRER TÄTER

(Zusammenfassung)

DR. IMRE BÉKÉS
Universitätsdozent

DR. IMRE A. WIENER
wissenschaftlicher Hauptmitarbeiter

I. Probleme der Kriminalisierung und Dekriminalisierung der fahrlässigen Schadensverursachung

1. Die Kriterien der strafrechtlichen Verantwortung für Fahrlässigkeitsstraftaten unter den Bedingungen der wissenschatflich-technischen Revolution
2. Probleme der Dekriminalisierung von Fahrlässigkeitstaten
3. Die Differenzierung der Verantwortungsformen in Bezug auf den Charakter und den Grad der Gesellschaftsgefährlichkeit der begangenen Straftat und des verursachten Schadens

II. Die Grundlagen der strafrechtlichen Verantwortung für Fahrlässigkeitsstraftaten

1. Probleme der strafrechtlichen Verantwortung für Fahrlässigkeitsstraftaten im Lichte der Strafrechtstheorien
2. Die Bestimmung der Fahrlässigkeit in der nationalen Strafgesetzgebung
3. Der Kausalzusammenhang als Tatbestandsmerkmal der unechten Unterlassungsdelikte
4. Probleme der Vorsatz-Fahrlässigkeits-Kombination
5. Spezifika des Deliktserfolges und des Kausalzusammenhanges bei von mehreren Personen begangenen Fahrlässigkeitsstraftaten

III. Die Bestrafung von Fahrlässigkeitsstraftaten (Probleme der Strafzumessung und der Strafvollstreckung)

1. Die Strafarten und die Besonderheiten ihrer Anwendung
2. Probleme der Differenzierung und Individualisierung von für Fahrlässigkeitsstraftaten verhängten Strafen
3. Probleme der strafrechtlichen Behandlung von Fahrlässigkeitstätern

LES INFRACTIONS COMMISES PAR IMPRUDENCE, LEUR PRÉVENTION ET LE TRAITEMENT DES DÉLINQUANTS

(Resumé)

IMRE BÉKÉS, professeur chargé de cours

IMRE A. WIENER maitre de recherches

I. La criminalisation et la décriminalisation du dommage causé par imprudence

1. Critères de la responsabilité pénale pour les délits commis par imprudence dans les conditions de la révolution scientifique et technique
2. Problème de la décriminalisation des actes commis par imprudence
3. Délimitation des responsabilités conformément au caractère et au degré de danger social de l'infraction ainsi qu'au dommage causé

II. Les fondaments de la responsabilité pénale pour les infractions commises par imprudence

1. Problème de la responsabilité pour les délits d'imprudence à la lumicere des théories de droit pénal
2. Définition de l'imprudence dans les législations nationales
3. Rapport causal en tant qu'élément du corps du délit d'imprudence commis en omission
4. Problème de la faute "mixte" en vue des délits d'imprudence
5. Particularités des conséquences criminelles et du rapport causal en vue des délits d'imprudence commis par plusieurs personnes

III. Les peines encourues pour les dé'its d'imprudence
(Problémes de la fixation et de l'exécution)

1. Types des peines et particularités de leur application
2. Problèmes de la différenciation et de l'individualisation de la peine pour les délits d'imprudence
3. Problèmes du traitement des délinquants imprudents